IN THE CLAIMS

The following listing of claims replaces all prior listings:

1. (Currently Amended) An image discriminating method comprising the steps of:

processing an inputted image to detect faces of one or more persons in the inputted image;

~~judging the presence of person by~~ detecting at least one [[a]] face of a person ~~from an~~ in the inputted image;

determining that the inputted image is a landscape photo image ~~in the absence of person~~ when no face is detected in the inputted image;

calculating an area ~~of~~ of each detected face in the inputted image; ~~and~~

counting the number of ~~people~~ faces detected in the inputted image~~in the presence of person;~~

determining that the inputted image is a snapshot photo image when (a) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (b) the ratio of the total area all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number ~~the area of face is larger than a predetermined ratio of a screen and if the number of people is not less than a predetermined number of people~~, and

determining that the inputted image is a portrait image ~~if said area of face is larger than said predetermined ratio of said screen and if said number of people is less than said predetermined number of people~~ when the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number.

2. (Currently Amended) An image discriminating method according to claim 1, wherein said predetermined ~~ratio~~ value is 20% and said predetermined number of ~~people~~ faces is three.

3. (Currently Amended) An image processing apparatus comprising:

~~image input means;~~

~~face detecting means for detecting a face of person from image data from said image input means;~~

~~face area calculating means for calculating an area of face from a face detection signal from said face detecting means;~~

~~number of people counting means for counting the number of people based on said face detection signal;~~

~~face area ratio judging means for judging whether or not the face area calculated by said face area calculating means is more than a predetermined ratio;~~

~~number of people judging means for judging the number of people counted by said number of people counting means is less than a predetermined number of people; and~~

a processing unit that processes an inputted image to detect faces of one or more persons in the inputted image;

a detecting unit that detects at least one face of a person in the inputted image;

a calculating unit that calculates an area of each detected face in the inputted image;

a counting unit that counts the number of faces detected in the inputted image

an image determining unit that determines

(a) the inputted image is a landscape photo image when no face is detected in the inputted image,

(b) the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number, and

(c) the inputted image is a portrait image when the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number;

a gradation correcting ~~means for correcting~~unit that corrects gradation of said image data based on the results of image determining unit ;and

a chroma correcting ~~means~~ unit ~~for correcting~~that corrects chroma ~~in response~~ based on the results of image determining unit ~~to outputs from said face detecting means, said face area ratio judging means and said number of people judging means~~.

4. (Currently Amended) An image processing apparatus according to claim 3, wherein said predetermined ~~ratio~~ value is 20% and said predetermined number of ~~people~~ faces is three.